J. Merlo #1
May 30th, 2013
No. S-122255
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

JANET MERLO

Plaintiff

and:

THE ATTORNEY GENERAL OF CANADA AND THE MINISTER OF JUSTICE OF BRITISH COLUMBIA

Defendants

Brought under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

AFFIDAVIT OF JANET MERLO

I, Janet Catherine Merlo, of the City of St. John's, in the Province of Newfoundland and Labrador, MAKE OATH AND SAY THAT:

1. I have knowledge of the facts and matters deposed to in this affidavit. Where facts are not within my personal knowledge, I have stated the source of my information and I believe those facts to be true.

2. I served as a Member of the Royal Canadian Mounted Police Constable from March 1, 1991 to March 24, 2010. I held the rank of Constable. After completing my training at the RCMP Training Academy in Regina, known as "Depot", I was stationed at the Nanaimo Detachment from September 1991 through March 24, 2010.

3. Starting in or about 1992, male Members at the Nanaimo Detachment began to make false statements to my then boyfriend, and later husband, Wayne Merlo, that they had previously had sexual intercourse with me. Wayne told me that the supervising Corporal on my night shift

watch commented to him to the effect "Janet is perfect... Janet is the right height because you can lay a six-pack of beer on her head while she gives you a blow job."

4. By the time I arrived in Nanaimo in late 1991 it became common for the supervising Corporal on my night shift watch to position an inflatable naked female doll next to his desk at the Detachment while on duty. On more than one occasion, the supervising Corporal invited me to stand next to the doll. The Corporal's supervisor was aware of the doll and the comments, but, to my knowledge, did not reprimand the Corporal.

5. I became pregnant with my first child in Spring 1992. When I told the RCMP that I was pregnant I was called into the office of my supervising Operations Non-Commissioned Officer. He reacted angrily to me and repeatedly yelled across his desk words to the effect: "What the hell am I supposed to do with you now? You had better get your priorities straight. You are either going to have a career in the RCMP, or you are going to pop out kids your whole life." He continued: "I have a suggestion for you: next time, keep your fucking legs closed." After that incident I left the detachment in tears, feeling sick to my stomach.

6. In May 1992, I was hospitalized with what I initially thought was a tubal pregnancy but what turned out to be appendicitis. When I returned to work, and explained my surgery, one of the Members confronted me with words to the effect "Oh, is that what you want people to believe? I know you had an abortion but your secret is safe with me."

7. In August 1992, while still pregnant, I began to work in the Crime Prevention Office of the Nanaimo Detachment. I commonly received comments from male Members that I felt targeted me as a woman. It was common practice for male Members to say things like: "It's busy today out there. Janet could take some calls if she wasn't knocked up." I went to work each day feeling sick because of the negative perception of my pregnancy by men in the detachment.

8. My first daughter was born in 1993.

9. After I returned from maternity leave in July 1993, I continued to receive comments from male Members I felt targeted me as a woman. For example, on one occasion, a male Member spoke words to the effect: "Janet, can you take that call, or are you pregnant again?" The

comments from men in the detachment were so pervasive and came from so many Members that I tried to numb myself to them – I felt resistance was futile.

10. In April 1995 two male Members in the Nanaimo Detachment, a Sergeant and Constable discussed female applicants for the newly formed bicycle patrol unit within earshot of me. The Constable spoke words to the effect: "yeah, like there are any of the ugly fat assed female members in this building that can peddle a bike around all day."

11. In February 1997, someone left a document in my Detachment file cubby entitled "Training Courses Now Available for Women". The list was attached to an official RCMP memorandum from the Officer in Charge of the Nanaimo Detachment though I do not know who attached the document to the memo. The document lists thirty-four courses:

1. Silence, the Final Frontier: Where No Woman Has Gone Before.
2. The Undiscovered Side of Banking: Making Deposits.
3. Combating the Imelda Marcos Syndrome: You Do Not Need New Shoes Everyday.
4. Parties: Going Without New Outfits.
5. Man Management: Discover How Minor Household Chores Can Wait Untll After the Game.
6. Bathroom Etiquette I: Men Need Space In the.8athroom Cabinet Too.
7. Bathroom Etiquette II: His Razor Is His.
8. Valuation: Just Because It's Not Important to You...
9. Communication Skills I: Tears-The Last Resort, Not the First.
10. Communication Skills II: Thinking Before Speaking.
11. Communication Skills III: Getting What You Want, Without Nagging.
12. Driving a Car Safely: A Skill You CAN Acquire.
13. Party Etiquette: Drinking Your Fair Share
14. Telephone Skills: How to Stop Talking and Hang Up
15. Introduction to Parking
16. Advanced Parking: Reversing Into A Space.
17. Overcoming Anal Retentive Behavior: Leaving the Towels on the Floor.
18. Water retention: Fact or Fat.
19. Cooking I: Bringing Back Bacon, Eggs and Butter.
20. Cooking II: Bran and Tofu are Not For Human Consumption.
21. Cooking III: How Not to Inflict Your Diets on Other People.
22. Compliments: Accepting Them Gracefully.
23. PMS: Your Problem... Not His.
24. Dancing: Why Men Don't Like To. .
25. Sex-It's For Married Couples Too.
26. Classic Clothing: Wearing Outfits You Already Have.
27. Household Dust: A Harmless Natural Occurrence Only Women Notice.

28. Integrating Your Laundry: Washing It All Together.
29. Ballet: For Women Only.
30. Oil and Gas: Your Car Needs Both.
31. Learning to Go in Public Restrooms.
32. Appreciating the Humor of the Three Stooges.
33. "Do These Jeans Make My Butt Look Big?" - Why Men Lie.
34. TV Remotes: For Men Only.

A copy of the memo with the attached list is attached to my Affidavit as Exhibit "A"

12. Starting in June 2000, I received overtly sexual comments from the Sergeant of "B" Watch. On one occasion, the Sergeant brandished a dildo that had been seized as evidence in a criminal investigation and yelled across the Nanaimo Detachment office words to the effect: "Merlo, what the hell happened? This thing was brand new yesterday. Now it's almost worn out. Did you take it home last night?" I also witnessed the Sergeant of "B" Watch making overtly sexual comments to other female Members of the Nanaimo Detachment.

13. On a separate occasion, the Sergeant of "B" Watch publicly targeted me as a woman. The Sergeant told all of the Members who were present at the morning watch briefing that one of the male Members was waiting for his wife to return home before he could leave for work. The Sergeant replied with words to the effect: "Send Merlo out to the house and do the women's work so that men could be on time and do the real work."

14. While I was assisting the Sergeant of "B" Watch with a prisoner in the Detachment cell block, the Sergeant cut his thumb on handcuffs. The Sergeant then pointed to his genital area and said to me words to the effect: "When I cut my finger, my hand was down there in my pocket. Would you like to go down there and kiss all of that better while you're at it?"

15. On a separate occasion, the Sergeant of "B" Watch removed a section of hose extension from the Detachment vacuum cleaner and left it in my Detachment file cubby. The Sergeant said words to the effect: "It's long, black and thick, and you can take it home and have fun with it." Not long after, I found a black rubber dildo in my files.

16. On a number of occasions, the Sergeant of "B" Watch made overtly sexual comments to me, including offers to rub my breast, offering to search my front pocket to search for change while

putting his own hands near his groin, offering to give me his "big Italian salami", and asking if I "like it on top?"

17. On numerous occasions I heard male Members loudly commenting on the breasts of female prisoners held at the Detachment. The men would watch a woman in custody on camera and comment on "what a nice set of tits she has".

18. On more than one occasion, my supervisors advised me that I was ineligible to collect acting pay for times I served as Acting Corporal at the Detachment. I later learned this to be false and, by the time I learned that I was entitled to the extra pay, I was out of time to apply for it.

19. Overall, during my time at the Nanaimo Detachment, it seemed to me that men and women were treated differently. For example, men were permitted to leave on night shifts to play three-hour hockey games while still on shift while, in contrast, female Members were denied the opportunity to participate in aerobics classes during their lunch breaks. It appeared to me that male Members were more easily accommodated with shift changes and transfers. It was my experience that men were more easily accommodated when requesting sick leave while, in contrast, female Members were routinely questioned over their state of health when requesting sick leave.

20. During my time at the Nanaimo Detachment, I took sick leave on many occasions because I was upset about the ongoing harassment I faced at work. I simply felt too physically ill to attend work. On other occasions, I would start work early in order to give myself time to prepare for dealing with the ongoing harassment.

21. I complained of harassment to RCMP Members, including my superiors and RCMP Commissioner William Elliott. On occasion, the Members to whom I complained told me to "forget about it" or to "walk away," or to "put it behind (me) and move on." At other times, I was given negative formal and informal assessments shortly after complaining. On still other occasions, my complaints were investigated internally by the RCMP and then dismissed.

22. My ex-husband, who worked for the City of Nanaimo as a guard in the RCMP cells at the Nanaimo Detachment, told me that he was belittled by his manager harassed and threatened by RCMP members because I complained about my treatment by the Force. In August 2008, Wayne

attempted suicide.

23. I began seeing a psychologist and a psychiatrist in 2007 for the anxiety, stress and feelings of depression that I was experiencing. In late 2008, my psychologist diagnosed me with posttraumatic stress disorder and major depressive disorder, both related to my service with the RCMP. For a number of years I had been experiencing intense anxiety and panic and had trouble sleeping. I found it difficult to leave my home and, when I did, my feelings of anxiety and panic would increase. I became anxious when seeing RCMP Members in the community. By the summer of 2011, my psychologist recommended to me that I move away from Nanaimo.

24. It was not until late 2011 that I felt that my fear and anxiety were under enough control that I was able to begin to consider taking legal action to address the abuse I suffered in the RCMP.

25. I moved back to Newfoundland, to St. John's, in May 15, 2012. I am now employed as a night supervisor in a residential home for ex offenders who are transitioning back into society after incarceration.

Class Proceeding

26. Jason Murray, a lawyer at Klein Lyons, has informed me that this case is a proposed class proceeding and that the proposed class definition is:

(1) All current and former female Members, Civilian Members and Public Service Employees of the Royal Canadian Mounted Police [the "Primary Class"]; and

(2) All persons who have a derivative claim on account of a family relationship with a person who is a member of the Primary Class [the "Derivative Class"].

27. I understand that the major steps in a class action are generally as follows:

(a) the lawsuit starts by the issuance of the Notice of Civil Claim;

(b) we ask the court to certify the lawsuit as a class proceeding, by an application for certification;

(c) if the court certifies the action as a class proceeding, notice of the certification is given to class members residing in British Columbia who are given the opportunity to opt-out of the class within a specific time period;

(d) if the court certifies the action as a class proceeding, notice of the certification is also given to class members who are not residing in British Columbia to opt-in to the class within a specific time period;

(e) we must make a list of all relevant documents and the defendants too must make a list all their relevant documents;

(f) examinations for discovery will be held during which lawyers for the defendants may ask me questions and my lawyer may ask questions of each of the defendants' representatives;

(g) judicial management conferences will be held with the case management judge from time to time;

(h) if the lawsuit is not settled, there will be a trial of the common issues;

(i) if the class is successful at trial, notice must be given to the class members to give them the opportunity to participate because their involvement is necessary at this stage to prove their damages;

(j) any amounts the defendants will be required to pay to each class member will be decided;

(k) appeals may happen at various stages of the lawsuit; and

(l) the lawsuit may be settled at any time, but only if the court approves the settlement.

Representative Plaintiff

28. I consent to acting as a representative plaintiff in this lawsuit.

29. I understand that, in agreeing to seek and accept an appointment by the Court as a representative plaintiff it is my responsibility to, among other things:

(a) become familiar with the issues to be decided by the Court;

(b) review the Notice of Civil Claim and any amendments;

(c) assist in the preparation and execution of an affidavit in support of the motion for certification;

(d) attend, if necessary, with a lawyer for cross-examination on my affidavit;

(e) attend, if necessary, with a lawyer for an examination for discovery where I will be asked questions;

(f) attend, if necessary, with a lawyer at trial and give evidence;

(g) receive updates on the lawsuit from time to time;

(h) express my opinions about the lawsuit to my lawyers; and

(i) express my opinion to my lawyers and to the Court if offers to settle the lawsuit are made.

30. To date, I have taken the following steps to fairly and adequately represent the interest of the class members:

(a) I retained David Klein of Klein Lyons and Alexander Zaitzeff at Watkins Professional Law Corporation as my lawyers and I understand they and other lawyers at their firms are acting as class counsel in this lawsuit;

(b) I have discussed the case with the lawyers at Klein Lyons and provided information for the Notice of Civil Claim and this affidavit;

(c) I reviewed the Notice of Civil Claim;

(d) I reviewed the proposed Litigation Plan, which is attached as Exhibit "B" to my affidavit.

31. Throughout the lawsuit, I will do my best to fairly and adequately represent the interests of the class members by discussing the lawsuit with class counsel and instructing class counsel as necessary. I will ensure through counsel that the class is kept informed of developments. I will also make myself available for court processes as required.

32. I am not a lawyer. I have discussed the Notice of Civil Claim in this action and the Litigation Plan with my lawyers. I understand the Notice of Civil Claim to be a document that sets out a summary of the allegations I hope to prove at trial. I understand the Litigation Plan to be a proposal for how my lawyers plan to move this lawsuit forward and give notice to the class members about the lawsuit. The Litigation Plan looks reasonable to me and I believe that class counsel are doing their best to move this lawsuit forward.

33. I am aware that if this lawsuit is certified as a class proceeding, the Court will certify issues of fact and law that are common to the class members. I am not aware of any conflict between my interests and the interests of any other proposed class members. I believe that I can fairly and adequately represent the interests of the proposed class and I will do my best to fulfill my responsibilities.

34. I have no personal knowledge as to the size of the proposed class. Since starting this lawsuit in March 2012 I have been contacted by almost thirty women who have shared their experiences of discrimination and harassment within the RCMP.

35. Based on the advice of my counsel concerning the matters at issue on an application for certification of a class proceeding, I know of no fact relevant to the application that is not disclosed in this affidavit.

36. I swear this affidavit in support of my application that this action be certified as a class proceeding and for no improper purpose.

SWORN BEFORE ME at the City of St. John's, in the Province of Newfoundland and Labrador, this 30th day of May, 2013.)

Darlene Russell
Barrister
Ches Crosbie Barristers
St. John's, NL

Janet Wade

Government of Canada / Gouvernement du Canada

MEMORANDUM / NOTE DE SERVICE

SECURITY - CLASSIFICATION - DE SÉCURITÉ
Unclass
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE
1997.02.20

TO / A: SECTION HEADS
S/Sgt. J. Humphrey

FROM / DE: O.I.C. NANAIMO DETACHMENT

SUBJECT / OBJET: **TRAINING NEEDS IDENTIFICATION 1997/98**

This is Exhibit "A" referred to in the affidavit of Janet Merlo sworn before me, this 30th day of May, 2013
Darlene Russell
Barrister, NL

RETURN TO ESTHER HAMER D.D. 97-02-28

I am presently putting together a list of our training requirements in order that "E" Div Training Branch can commence their planning cycle for '97/98.

At this time, I would ask that each Section Head review the attached list of courses and submit their requirements, based on present and anticipated needs. Again, this list is for planning purposes only, and specific job training requirements will be addressed when identified throughout the year.

Admin Manual II.11 provides information on most training programs as well as selection criteria. Many new programs have been added over the past several years which are not reflected within the Manual. However, within the next six months the manual information will be completely updated.

Also, please list any course(s) that you feel should be offered, ie: Vietnamese Cultural, that are not presently not available.

(J.P. BECHDHOLT) Supt.
OIC Nanaimo Detachment

TRAINING COURSES NOW AVAILABLE FOR WOMEN

1. Silence, the Final Frontier: Where No Woman Has Gone Before.
2. The Undiscovered Side of Banking: Making Deposits.
3. Combating the Imelda Marcos Syndrome: You Do Not Need New Shoes Everyday.
4. Parties: Going Without New Outfits.
5. Man Management: Discover How Minor Household Chores Can Wait Until After the Game.
6. Bathroom Etiquette I: Men Need Space in the Bathroom Cabinet Too.
7. Bathroom Etiquette II: His Razor Is His.
8. Valuation: Just Because It's Not Important to You . . .
9. Communication Skills I: Tears-The Last Resort, Not the First.
10. Communication Skills II: Thinking Before Speaking.
11. Communication Skills III: Getting What You Want, Without Nagging.
12. Driving a Car Safely: A Skill You CAN Acquire.
13. Party Etiquette: Drinking Your Fair Share
14. Telephone Skills: How to Stop Talking and Hang Up
15. Introduction to Parking
16. Advanced Parking: Reversing Into A Space.
17. Overcoming Anal Retentive Behavior: Leaving the Towels on the Floor.
18. Water retention: Fact or Fat.
19. Cooking I: Bringing Back Bacon, Eggs and Butter.
20. Cooking II: Bran and Tofu are Not For Human Consumption.
21. Cooking III: How Not to Inflict Your Diets on Other People.
22. Compliments: Accepting Them Gracefully.
23. PMS: Your Problem . . . Not His.
24. Dancing: Why Men Don't Like To.
25. Sex-It's For Married Couples Too.
26. Classic Clothing: Wearing Outfits You Already Have.
27. Household Dust: A Harmless Natural Occurrence Only Women Notice.
28. Integrating Your Laundry: Washing It All Together.
29. Ballet: For Women Only.
30. Oil and Gas: Your Car Needs Both.
31. Learning to Go in Public Restrooms.
32. Appreciating the Humor of the Three Stooges.
33. "Do These Jeans Make My Butt Look Big?" - Why Men Lie.
34. TV Remotes: For Men Only.

E" DIVISION TRAINING
DIVISIONAL COURSES - TRAINING YEAR 1997/98

RESPONSIBILITY CENTRE:	
DISTRICT - SUB/DIVISION:	DATE:
AUTONOMOUS DETACHMENTS:	

CODE	COURSE	PRIORITY	SUPPLEMENT	TOTAL
	ABORIGINAL COMMUNITY POLICING - 2 WEEKS			
BL1800	AERONAUTICS			
	AUTO THEFT			
	CDN FIRE INVESTIGATION SCH. LEVEL I			
CM3902	CDN FIRE INVESTIGATION SCH. LEVEL I I			
DM3903	CDN FIRE INVESTIGATION SCH. LEVEL III			
	CHILD SEXUAL ABUSE (BASIC)			
DM0019	CHILD SEXUAL ABUSE (ADVANCED)			
AL1005	CLANDESTINE LAB INVESTIGATORS			
CL1000	DRUGS (DIVISIONAL) 2 WEEKS			
	FRAUD - BASIC			
DL2030	HARASSMENT INVESTIGATORS			
DM0021	INTERVIEW & INTERROGATION (1 WEEK)			
CM0007	INVESTIGATORS			
	MAJOR CASE MANAGEMENT			
AM0005	MAJOR CRIME			
	N.A.I.T. PACE SOLDERING			
	P.A.C.E. - POLICE ASSISTED COMMUNITY EDUCATION			
	SCENES OF CRIMES OFFICERS			
DC0510	SCHOOL LIAISON			
	STATEMENT ANALYSIS			
CL6005	SURVEILLANCE - INTERMEDIATE			
	V.I.P. SECURITY			

'E ' DIVISION TRAINING
DIVISIONAL COURSES - TRAINING YEAR 1997/98

RESPONSIBILITY CENTRE:	
DISTRICT - SUB/DIVISION:	DATE:
AUTONOMOUS DETACHMENTS:	

CODE	COURSE	PRIORITY	SUPPLEMENT	TOTAL
	ASP BATON INSTRUCTORS			
	B.F.I.C.			
CL8010	BASIC CRIME PREVENTION			
CR4500	BASIC ROCK CLIMBING			
	BATON USERS			
CL5501	WATER TRANSPORT- CLASS I (OCEAN)			
CL5503	WATER TRANSPORT - CLASS II (INLAND)			
CL5502	WATER TRANSPORT- CLASS III (JET BOAT)			
	CLIENT - COMMUNITY SURVEY TRAINING			
CL8013	CRIME PREVENTION THROUGH ENIV. DESIGN (CPTED)			
	ERT			
BM3528	ERT ARMED SHIP BOARDING			
DO0505	FIRST AID INSTRUCTORS			
D00525	FIRST AID/CPR TRAINING			
	INDUSTRIAL FIRST AID			
DM3527	MP5 OPERATOR H&K			
CL1510	OC SPRAY INSTRUCTOR			
DL8300	PROBLEM ORIENTATED POLICING MAN FOR SUPERVISORS			
BL5000	PUBLIC & POLICE SAFETY INSTRUCTORS			
BM3522	SHARPSHOOTERS			
BL4503	TACTICAL TROOP INSTRUCTORS			
BL7530	UNDERWATER RECOVERY (INDUCTION)			
CL7501	UNDERWATER RECOVERY (ICE DIVING)			
CL7502	UNDERWATER RECOVERY (REFRESHER)			

CODE	COURSE	PRIORITY	SUPPLEMENT	TOTAL
	CRITICAL INCIDENT STRESS DEBRIEF			
CD1100	CAREER TRANSITION			
CA3500	DETACHMENT COMMANDERS			
CB1005	EFFECTIVE PRESENTATION			
CF0000	FIELD COACHING			
	INTRODUCTION TO MANAGEMENT			
	INTEREST BASED NEGOTIATION (2/3 DAYS)			
	LIFE WORK SERIES			
BA1545	MANAGEMENT REVIEW			
	MEDIA RELATIONS			
	MEDIATION (1 WEEK)			
CA1085	MEMBER/EMPLOYEE ASSISTANCE PROGRAM			
CL2515	MULTI CULTURAL			
	OFFICE EMPLOYEE WORKSHOP			
CG2500	POLICE SUPERVISORS			
	PUBLIC SERVICE SUPERVISORS			
BM2005	RECORDS MANAGEMENT			

E" DIVISION TRAINING
DIVISIONAL COURSES - TRAINING YEAR 1997/98

RESPONSIBILITY CENTRE:	
DISTRICT - SUB/DIVISION:	DATE:
AUTONOMOUS DETACHMENTS:	

CODE	COURSE	PRIORITY	SUPPLEMENT	TOTAL
BM0024	AUTOMATED SYSTEMS SECURITY			
	C.I.I.D.S. - DISPATCHER			
	C.I.I.D.S. - REVIEWER			
	C.I.I.D.S. - SUPERVISOR			
	CPIC OPERATORS (FOR GITTS-3)			
	CPIC OPERATORS (FOR WINDOWS)			
CN5021	OPERATION STATISTICAL REPORTING (O.S.R)			
CN5012	P.I.R.S USER			
BL0512	TELECOMS OPERATORS			
DN3340	Q&A			

CODE	COURSE	PRIORITY	SUPPLEMENT	TOTAL
CK4000	ACCIDENT INVESTIGATION II			
CK0500	ADVANCED DRIVING			
	AIRBRAKE INSPECTION			
CK5000	AIRCRAFT TRAFFIC OBSERVER			
CL7005	ALL TERRAIN VEHICLE (OPERATORS)			
CK4001	AUTO SKETCH - COMPUTER ASSISTED DRAWIN			
	BAC DATAMASTER ;CERTIFICATION\CONVER			
	COMMERCIAL VEHICLE ENF.			
	CRIME SCENE VIDEO (IDENT)			
BM1325	CRIME SCENE VIDEO (TRAFFIC)			
CL0005	EVIDENTIARY BREATHALYZER RE-CERT			
CL0000	EVIDENTIARY BREATHALYZER			
CK3020	LASER (RADAR)			
	MOTORCYCLE (NON-PURSUIT)			
CK2500	MOTORCYCLE OPERATORS			
	PEDESTRIAN COLLISION			
CK2520	POLICE MOUNTAIN BIKE TRAINING			
CK3010	RADAR MDR 1			
CK3000	RADAR SPEEDOMETER			
CL0010	RSD			
CL7000	SNOWMOBILE			
	SURVEY PRINCIPLES			

"E" DIVISION TRAINING
DIVISIONAL COURSES - TRAINING YEAR 1997/98

OTHER TRAINING COURSES

COURSE NAME	LOCATION	NUMBER OF CANDIDATE	APPROX COSTS

Any additional comments/request

This is Exhibit "B" referred to in the affidavit of Janet Merlo sworn before me, this 30th day of May, 2013
Darlene Russell
Barrister, NL

Court File No. S-122255
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

JANET MERLO

Plaintiff

and:

THE ATTORNEY GENERAL OF CANADA AND THE MINISTER OF JUSTICE OF BRITISH COLUMBIA

Defendants

Brought under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

PLAINTIFF'S PROPOSED LITIGATION PLAN

I. NOTICE OF CERTIFICATION

1. If certification is granted, notice will issue pursuant to section 19 of the *Class Proceedings Act*.

2. Class counsel will post the Notice of Certification on its website www.kleinlyons.com and send a copy of the Notice to every class member who has provided an address to class counsel for that purpose. The Plaintiff proposes that Notice be sent by the Defendants to every:

   (a) serving female Member, Civilian Member and Public Service Employee of the Royal Canadian Mounted Police; and

   (b) last known address of former female Member, Civilian member and Public Service Employees of the Royal Canadian Mounted Police.

3. Notice of certification may also be published in appropriate newspapers to be agreed to by the parties or settled by the Court.

4. A hearing will be held within 30 days of the issuance of the certification order to settle the terms and manner of notice. The form, content, manner and terms of the notice will be approved by the Court.

5. The Court will be asked approve an Opt-In form for Class members residing outside British Columbia who wish to participate in the class proceeding and an Opt-Out form for Class members residing in British Columbia who do not wish to participate in the class proceeding. The Court will be asked to set a date by when the Opt-In and Opt-Out forms are to be delivered to class counsel.

II. DOCUMENTARY PRODUCTION

6. To assist the parties and the Court in efficiently managing the production of documents, the parties will exchange documents in accordance with protocols established in the July 1, 2006 Practice Direction – Re: Electronic Evidence.

III. EXAMINATIONS FOR DISCOVERY

7. The parties shall make themselves available for examination for discovery within 180 days of the issuance of the certification order or on such dates as may be agreed by the parties.

8. The Plaintiff anticipates that given the nature of the matters at issue in the class proceeding it is not reasonably practical to complete the examination for discovery of each party in less than seven hours. The Court will be asked to specify the duration of each examination for discovery pursuant to Rule 7-2(2) of the *Supreme Court Civil Rules*.

9. The Plaintiff may ask the Court for an order allowing her to examine multiple representatives of the Defendants, if necessary.

IV. EXAMINATION OF NON-PARTIES

10. Any party wishing to examine a non-party shall comply with the *Class Proceedings Act* and the *Supreme Court Civil Rules*.

V. EXPERT OPINIONS

11. Expert Opinions shall be delivered to each party pursuant to Rule 11-6 of the *Supreme Court Civil Rules*.

VI. REFINEMENT OF THE COMMON ISSUES

12. Following certification, examinations for discovery and the exchange of expert opinions and before the trial of the common issues, the Plaintiff may ask the Court for an order to amend or further refine the common issues, if required.

VII. DISPUTE RESOLUTION

13. The Plaintiff remains willing to participate in mediation or non-binding alternative dispute resolution efforts if the Defendants are prepared to do so.

VIII. READINESS FOR TRIAL

14. Within 28 days before trial, the parties will file a Trial Certificate and hold a Trial Management Conference.

IX. DETERMINATION OF THE COMMON ISSUES AT TRIAL

15. The Class will be informed of the results of the common issues trial by publication of notice pursuant to section 20 of the *Class Proceedings Act*.

16. If the Defendants are wholly successful on the common issues then, subject to any appeals, the litigation shall be at a close.

17. If the Plaintiff is wholly or partially successful on the common issues then it is anticipated that further proceedings, as described in Part X below, will be needed to resolve any outstanding individual issues.

X. INDIVIDUAL ISSUES DETERMINATION

18. If any or all of the common issues are resolved in favour of the Class, the Plaintiff proposes that a judicial management conference be held as soon as possible following judgment. At that hearing, both parties will be at liberty to make submissions regarding the methodology for resolving the remaining issues. Potential methods include references, mini-trials, mediation, arbitration or other means approved by the Court pursuant to section 27 of the *Class Proceedings Act*. At this time, the Plaintiff intends to propose a method of resolving outstanding individual issues as set out below.

19. The Court will be asked to specify procedures and deadlines by which class members shall identify themselves as Claimants wishing to make claims for individual compensation.

20. The Plaintiff anticipates that given the nature of the injuries suffered by class members, adjudication of the Claims would best be resolved through mini-trials with expert reports and discovery and guided by the *Supreme Court Civil Rules* for trial procedure to determine the issues of individual causation and damages.

XII. REVIEW OF THE PLAINTIFFS' LITIGATION PLAN

21. The Plaintiff's litigation plan may be reviewed or modified as deemed necessary by the parties or the Case Management Judge during judicial management.

XIII. CASE MANAGEMENT

22. During the litigation, regular judicial management conferences, case planning conferences and any interlocutory motions will be scheduled, as required.